UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.32
15 February 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Jamaica

1. The Committee considered the initial report of Jamaica (CRC/C/8/Add.12) at its 196th to 198th meetings (CRC/C/SR.196, 197 and 198), held on 18 and 19 January 1995 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging, through a high-ranking delegation, in a constructive and frank dialogue with the Committee. The Committee also welcomes the written replies submitted by the Government of Jamaica in response to the Committee's list of issues (CRC/C.8/WP.3), which was made available to the State party before the session.

B. Positive aspects

3. The Committee welcomes the commitment shown by the Government of Jamaica in fulfilling its obligations under the Convention. That commitment is reflected in the intention to include child rights in the constitutional reform currently under way, and in the legislative review which aims at

* At the 208th meeting, held on 26 January 1995.

bringing national legislation into conformity with the provisions of the Convention, including through the drafting of a Child Care and Protection Act. Other welcome developments include the intention to issue a Policy Statement on Children, the drafting of the Five-Year Development Plan for Children, the holding, in cooperation with non-governmental agencies, of workshops on steps to be taken to ensure the implementation of the Convention; the adoption of a country programme for Children in Especially Difficult Circumstances; the establishment of the Specialist Committee on Child Abuse.

4. The Committee also notes the willingness of the Government of Jamaica to seek advice and technical assistance from United Nations bodies and specialized agencies and from national and international non-governmental institutions in the field of the promotion and protection of the rights of the child in accordance with the standards set out in the Convention.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that severe economic and social problems have had a negative impact on the situation of children. The very high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary reallocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights.

6. The Committee also notes the difficulties caused by some social attitudes, traditions and prejudices.

D. Principal subjects of concern

7. The Committee is concerned that in the framework of the legislative reform under way, a number of areas remain where national legislation has not yet been brought into full conformity with the provisions of the Convention, including its general principles, as reflected in articles 2, 3, 6 and 12. In this regard, the Committee's concerns relate in particular to the definition of the child, the need to protect children against corporal punishment and harmful information, parental responsibilities, child abuse and neglect - including sexual abuse - health issues, the minimum age of access to employment and the protection of working children, as well as the administration of juvenile justice.

8. The Committee is concerned at the lack of an overall integrated mechanism to monitor the activities designed to promote and protect children's rights. The insufficient coordination between the various governmental departments, as well as between central and regional authorities, in the implementation of policies to promote and protect the rights of the child is a matter of concern. In this connection, the Committee expresses its concern at the absence of effective mechanisms for collecting statistical data and other relevant information about the status of children which are of paramount importance for the elaboration of targeted programmes for the implementation of the rights recognized in the Convention.

9. The Committee is worried about the effect on children of the difficult economic situation and the socio-economic disparities prevailing in the

country. In this regard, it is concerned as to whether sufficient budgetary allocations are made and adequate social measures are being taken to protect children, in particular those living in poverty or belonging to vulnerable groups, from being the victims of this situation, in the light of the provisions of articles 3 and 4 of the Convention.

10. The Committee is concerned at the difficulties in ensuring the registration of children at birth. Such a situation implies the non-recognition of those children as persons before the law, which will affect the level of enjoyment of their fundamental rights and freedoms. The Committee is also concerned at the difficulties in ensuring the registration of post-natal deaths.

11. The Committee is concerned that traditional attitudes prevailing in the country may not be conducive to the realization of the general principles of the Convention, in particular as regards the persistence of gender stereotypes and the existing role distribution between boys and girls, the abusive sexual practices which might affect very young girls and the discriminatory attitude towards certain categories of particularly vulnerable children such as young single mothers, disabled children, children affected by HIV/AIDS or Rastafarian children.

12. The Committee is concerned that the measures being taken to protect children from information injurious to their well-being are insufficient, in the light of the provisions of article 17 of the Convention.

13. The lack of sufficient parental guidance and understanding by many parents of their joint parental responsibilities and the occurrence of child abuse and neglect within the family are matters of concern. The high incidence of teenage pregnancies and female-headed households make children particularly vulnerable to sexual abuse, domestic violence, neglect and abandonment, sometimes leading to children becoming involved in activities conflicting with the law.

14. The Committee also takes note of the inadequacy of measures taken to implement the relevant provisions of the Convention with respect to the right to health, in particular in the area of preventive health care and health education.

15. The Committee is worried by the problems involved in the practical application of the right to education. The lack of adequate schooling facilities, the reduction of the educational budget, the low status of teachers, leading to a shortage of trained educators, and the insufficient measures to ensure vocational training are matters of serious concern.

16. With regard to child exploitation, the Committee is concerned that child labour continues to be a serious problem in Jamaica, particularly in the rural areas and in the informal sector, and it notes the lack of adequate labour legislation to protect child workers. The Committee is also worried about the growing number of children living and/or working in the streets where they are exposed to various forms of exploitation and abuse.

17. With regard to the administration of juvenile justice, the Committee is concerned that the present situation does not reflect the spirit and the provisions of the Convention. In particular, the Committee is alarmed at reports of lengthy pre-trial arrests and detention of children in police lock-ups, where they may not benefit from the safeguards recognized in the Convention in the light of articles 37 and 40.

E. Suggestions and recommendations

18. The Committee recommends that the Government of Jamaica, within the framework of the constitutional reform and legislative review currently under way, ensure that the principles and provisions of the Convention are fully incorporated into the Constitution and other national legislation. In particular, it is suggested that the new legislation should address issues such as the definition of the child, the minimum age of penal responsibility and employment, parental responsibilities, the protection of children against abuse and neglect, and the system of administration of juvenile justice. The Committee encourages the State party to seek assistance from the Centre for Human Rights in undertaking this law reform.

19. The Committee emphasizes the need to establish an effective and integrated system for monitoring the implementation of the Convention. It stresses the need actively to involve various sectors of the society in such a system, including governmental and non-governmental structures, both at the national and the local level, as well as parliamentarians. A better coordination is also needed between national authorities and the various international agencies providing technical assistance, in order to ensure that due consideration is given, in the light of articles 3 and 4 of the Convention, to child-oriented projects and their effective implementation. The Committee recommends that a comprehensive system for the collection of data on children and trends on the realization of their rights be established in the State party. In this respect, the Committee recommends that the Government consider the possibility of organizing a meeting to discuss, within the framework of international cooperation, the implementation of the provisions of the Convention in the light of the present observations.

20. While acknowledging the efforts made by the State party in providing relief and social assistance to families most affected by the economic situation, the Committee emphasizes that all appropriate efforts should be undertaken to ensure, to the maximum extent of available resources and within the framework of international cooperation, that sufficient resources are allocated to children. In this regard, due attention should be given to the needs of particularly vulnerable and poverty-stricken children so as to provide adequate safety nets for such children and their families in order to avoid a further deterioration of their rights.

21. The Committee recommends that a nationwide education campaign be launched to sensitize the population at large to the principles and provisions of the Convention and that a comprehensive strategy be worked out and implemented in order to increase awareness among children and adults about the rights of the child and to combat existing prejudices affecting vulnerable groups of children. The Committee suggests in particular that members of professional groups working with children or concerned with the application of the

Convention such as judges, lawyers, police and staff in detention centres, teachers and social workers be given, including within the training curricula, systematic training on the Convention.

22. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures should be taken to combat traditional attitudes and stereotypes and sensitize the society to the situation and needs of the girl child, disabled children, children affected by HIV/AIDS, children living in rural areas or socially disadvantaged children and Rastafarian children,

23. The Committee recommends that further measures be taken to facilitate the registration of children, in cooperation with non-governmental organizations and with the support of international organizations.

24. The Committee stresses the need for greater efforts in developing family education and awareness of the common parental responsibilities of both parents in the light of article 18 of the Convention. Family planning information and services should be given greater attention and resources. The Committee encourages the State party to support further measures to promote early childhood development and the provision of child care services and centres for working mothers.

25. The Committee suggests that the State party take additional measures to combat violence and abuse of children, including sexual abuse. Comprehensive school guidance programmes to address the needs of children exposed to violent conditions and crisis services for children should be expanded. Programmes for the rehabilitation and reintegration of physically or psychologically disturbed and traumatized children need to be developed, with the cooperation of non-governmental organizations.

26. The State party should ensure that adequate procedures and mechanisms be developed to deal with complaints of the ill-treatment of children, and that cases of violations of children's rights be duly investigated.

27. While recognizing important achievements in the State party in the field of immunization coverage, the Committee recommends that further efforts be made to extend and strengthen the primary health care system. Health education should also be developed so as to ensure a better understanding by the population of the benefits of preventive health care and the detrimental effects on children of the persistence of traditional practices prejudicial to their health.

28. It is suggested that a thorough review of the education system be undertaken. It is recommended that the State party requests technical assistance from UNESCO in this regard. Measures should be envisaged to improve the quality of education, and to intensify teacher training and vocational training.

29. With respect to child exploitation, the Committee recommends that efforts to prevent and combat child labour, particularly in the informal sector, be intensified. It is suggested that the legislative review give due consideration to the issue of the minimum age for admission to employment, and

that the State party consider ratifying ILO Convention No. 138 on this subject. It is recommended that Jamaica consider seeking assistance from ILO and UNICEF in this area.

30. With regard to the administration of juvenile justice, it is suggested that the necessary measures be taken to implement fully the principles and provisions of the Convention. The Committee recommends that the law reform to be undertaken in this field adequately reflect the provisions of the Convention as well as other relevant international standards, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. It is suggested that due attention be paid to the best interests and the dignity of the child, and that deprivation of liberty be considered as a measure of last resort and for the minimum period possible. It is recommended that the State party envisage requesting technical assistance in this area from the Centre for Human Rights as well as from the Crime Prevention and Criminal Justice Branch of the United Nations.

31. The Committee also recommends that the report submitted by the State party, summary records of its considerations and the concluding observations of the Committee be disseminated as widely as possible within the country.